

1983 Form

In the United States District Court
For the Northern District of Alabama

01 MAY 14 PM 2:17
U.S. DISTRICT COURT
N.D. OF ALABAMA

CHRISTOPHER BELLINGSLY

(Enter above the full name(s) of the
plaintiff(s) in this action)

DEWAYNE D. ESTES, SGT THOMAS

KERNS, MICHAEL HICKS,

~~GUENDOLYN~~ GUENDOLYN

MOSLEY, TRACIE BROWN

(Enter above full name(s) of the
defendant(s) in this action)

CV-01-S-1229-S

I. Previous lawsuits

- A. Have you begun other lawsuits in state or federal court(s) dealing with the same facts involved in this action or otherwise relating to your imprisonment? Yes () No ☒
- B. If your answer to A. is "yes", describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuit(s) on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit

Plaintiff(s): NA

Defendant(s) NA

2. Court (if Federal Court, name the district; if State Court, name the county)

NA

3. Docket Number NA

4. Name of judge to whom case was assigned NA

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

NA

6. Approximate date of filing lawsuit

NA

7. Approximate date of disposition

II. Place of present confinement EASTLAND CORRECTIONAL CENTER P.O. Box 10
C

A. Is there a prisoner grievance procedure in this institution?

Yes () No ☒

B. Did you present the facts relating to your complaint in the state prisoner grievance procedure?

Yes () No ☒

C. If your answer is YES:

1. What steps did you take?

NA

2. What was the result?

NA

D. If your answer is NO, explain why not?

III. Parties

In item A below, place your name(s) in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.

A. Name of plaintiff(s) CHRISTOPHER BELLINGSLEY

Address P.O. Box 10 / #160977 CLID ALABAMA

36017

In item B. below, place the full name of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use item C for the names, positions, and places of employment of any additional defendants.

- B. Defendant DEWAYNE D. ESTES
 is employed as WARDEN
 at CHILDESBURG COMMUNITY WORK CENTER P.O. BOX 368
CHILDESBURG AL 35044
- C. Additional Defendants SET THOMAS KERN, MICHAEL HICKS,
OF CHILDESBURG COMMUNITY WORK CENTER P.O. BOX 368 CHILDESBURG
AL 35044
Gwendolyn C. Mosley P.O. Box 10 CLEO AL 36017
TRACIE BROWN

IV. Statement of Claim

State here, as briefly as possible, the FACTS of your case. Describe how each defendant is involved. Include, also, the names of other persons involved, dates and places. *Do not give any legal arguments or state any cause or solution.* If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheet, if necessary.

SEE ATTACHED SHEET

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA

CHRISTOPHER BELLINGSLEY
PLAINTIFF

VS.

CIVIL ACTION NO.:

DEWAYNE D. ESTES, THOMAS KERNS,
MICHAEL HICKS, ~~XXXXXXXXXXXXXXXXXXXX~~
GWENDOLYN MOSELEY, TRACIE BROWN
DEFENDANTS

GROUND ONE: VIOLATION OF 4TH, 5TH AND 14TH AMENDMENT

FACTS IN SUPPORT: ON 3/26/01 WHILE I WAS AT WORK DEFENDANT KERN ELLEN
SEARCHED MY LOCKER BOX WHEREIN HE ALLEGED TO HAVE FOUND (4) OUNCES OF ME
BELIEVED TO BE MARIJUANA. I WAS ARRESTED ON MY JOB BY TWO OFFICERS AND
TAKEN FIRST TO CHILDESBURG THEN TO THE COUNTY JAIL
ON 3/29/01 AT THE COUNTY JAIL A DISCIPLINARY HEARING WAS HELD WHEREIN
I WAS BEING CHARGED FOR POSSESSION OF CONTRABAND "SEE EXHIBIT A"
ALTHOUGH MY WIFE TESTIFIED THAT INMATE DEMETRIUS NORMWOOD PLACED
THE STEPS IN MY BOX I WAS STILL FOUND GUILTY BY DEFENDANT HICKS AND
THE SAID DISCIPLINARY APPROVED BY THE WARDEN. DEFENDANTS ESTES, KERNS
AND HICKS NOT ONLY VIOLATED MY RIGHTS AND DUE PROCESS AND ILLEGAL SEARCH
AND SEIZURE, BUT THEY DID SO KNOWING THAT IT DID NOT BELONG TO ME.
INMATE NORMWOOD HAS BEEN CHARGED BY ME AND I AND ALLEGEDLY IN THE
CIRCUIT COURT FOR THIS CONTRABAND

RELIEF SOUGHT FOR GROUND ONE:

THE PLAINTIFF IS SUING DEFENDANTS ESTES, KERNS AND HICKS IN THEIR
INDIVIDUAL AND OFFICIAL CAPACITIES FOR THE SUM OF \$1,000 EACH FOR THEIR
DELIBERATE INDIFFERENCE TO THE RIGHTS OF THE PLAINTIFF
THE PLAINTIFF ALSO REQUESTING THAT THE DISCIPLINARY BE REMOVED FROM
HIS FILE, THAT HE BE RETURNED TO MEN OF CUSTODY AND THAT THE DEFENDANTS
PAY ALL FILING FEE AND COURT COST IN THIS CASE.

GROUND TWO: VIOLATION OF 1983 AND 14TH AMENDMENT

FACTS IN BRIEF ON 4/17/01 DUE TO THE SAID DISCIPLINARY I WAS SENT TO KESTERLING CORR CENTER. ON 4/18/01 I WAS PLACED IN 6A THE HOT ROOM A SEGREGATION ROOM. ON 4/19/01 I SPOKE WITH CLASSIFICATION SUPERVISOR TRACIE BROWN, WHO STATED THAT SHE PUT ME IN THE HOT ROOM BECAUSE I WAS ON RESTRICTION. I EXPRESSED THAT ON MY DISCIPLINARY 'SEE EXHIBIT A' THAT NO DISCIPLINARY SEG WAS GIVEN AND SHE SAID THAT IT WAS WARREN MOSLEY POLICY,

BEING CONFINED IN THE HOT ROOM IS SEGREGATION. INMATES IN THE HOT ROOM IS SEGREGATED AND NOT ALLOWED TO MINGLE WITH GENERAL POPULATION, TO SEGREGATE THE PLAINTIFF WHEN SUCH WAS NOT APPROVED IS A VIOLATION OF ADMIN REG 403 AND MY CONSTITUTIONAL RIGHTS AND TO SENTENCE THE PLAINTIFF TO 90 DAY SEGREGATION IS A VIOLATION WHEN THE ADMIN. REG. 403 CLEARLY STATES 45 DAY IS THE MAXIMUM SEGREGATION PUNISHMENT AN INMATE CAN RECEIVE FOR DISCIPLINARY. THE DEFENDANT SEGREGATING THE PLAINTIFF VIOLATES ADMIN. REGULATIONS AND HIS RIGHTS TO DUE PROCESS

RELIEF SOUGHT: THE PLAINTIFF IS SUING DEFENDANTS BROWN AND MOSLEY IN THEIR INDIVIDUAL AND OFFICIAL CAPACITY FOR THE SUM OF \$75.00 PER DAY HE'S HELD IN THE HOT ROOM, FOR THEIR ILLEGALLY ENFORCING AN UNCONSTITUTIONAL POLICY IN VIOLATION OF ADMIN. REGULATION.

THE PLAINTIFF FURTHER SUES DEFENDANT MOSLEY FOR HER UNCONSTITUTIONAL POLICY, FOR THE SUM OF \$1,000 AND REQUEST THAT HE BE RELEASED THE PLAINTIFF REQUEST A JURY TRIAL

RESPECTFULLY SUBMITTED

Christopher Billingsley

DOC Form 225B (Revised 7/92)

EXHIBIT AALABAMA DEPARTMENT OF CORRECTIONS
DISCIPLINARY REPORT

1. INMATE: Christopher Billingsley CUSTODY MO AIS 20160977
2. FACILITY: Childersburg Community Work Center
3. The above inmate is being charged by Sgt. Thomas Kerns with a violation of Rule Number 64 specifically Possession of Contraband from regulation # 403, which occurred on or about MARCH 26, 2001, 19__ at (time) 5:00 PM (am/pm), Location: Work Release, Rank 3 Box 3023B. A hearing on this charge will be held after 24 hours from service.
4. Circumstances of the violation(s) are as follows: On March 26, 2001 Sgt. Thomas Kerns was conducting a search of inmate Christopher Billingsley's foot locker box and found hidden in a resealed little Debbie's snack cake box approximately four ounces of a green leafy substance believed to be marijuana.
5. Thomas Kerns COF
Arresting Officer/Signature/Rank
6. I hereby certify that I have personally served a copy of the foregoing upon the above named inmate on this the 26 day of March, 2001, 19__ at (time) 7:24 (am/pm).
7. Charles R. Calhoun COF Refused to sign Charles R. Calhoun COF
Serving Officer/Signature/Rank Inmate's Signature/AIS Number
8. Witnesses desired? NO YES Christopher Billingsley #160977
Inmate's Signature Inmate's Signature
9. If yes, list: Steve Shelton #141484, Artie Wright #179271
10. Hearing Date 3/29/01 TIME 2:20 P.M. PLACE Talg. County Jail
11. Inmate must be present in Hearing Room. If he is not present explain in detail on additional page and attach.
12. A finding is made that inmate (is) is not) capable of representing himself.
13. Plea: Christopher Billingsley #160977 Not Guilty Guilty
14. The Arresting Officer, inmate, and all witnesses were sworn to tell the truth.
Michael R. Whit COF
Signature/Hearing Officer
15. Arresting Officer's testimony (at the hearing): On March 20, 2001 Sgt. Thomas Kerns was conducting a search of inmate Christopher Billingsley's foot locker box and discovered approximately four ounces of a green leafy substance hidden in a resealed little Debbie's snack cake box. The green leafy substance is believed to be marijuana. The reason I believe it

2001 APR 10 10:23 AM
CLERK OF DISTRICT COURT
CIRCUIT CLERK

16. Inmate's Testimony: I was at work, I left the camp at 1:30 p.m. All I know is that at approximately 6:00, Officer Welch came to pick me up. They told me that they searched my box. They told me what they found it in and I told them that it belonged to Demetrius Norwood. I told them that I left my box unlocked.

Witness: X Steven Shelton 1414854 Substance of Testimony: I know that Billingsley was not on pass. Norwood just came off of pass. Norwood had all kinds of cakes and stuff. I saw Norwood with a cake box on his bed when I left, he was going

Witness: Artis Wright BM/179271 Substance of Testimony: Refused to "CONTINUED"
attend. See attached statement.

Witness: _____ Substance of Testimony: _____

17. The inmate was allowed to submit written questions to all witnesses. Copy of questions and answers are attached.

Michael R. Hicks COI
Signature/Hearing Officer

18. The following witnesses were not called — Reason not called

1. Artis Wright #179271 Refused to Attend (See Attached)
2. _____
3. _____

19. After hearing all testimony, the Hearing Officer makes the following findings of fact: (Be Specific)
The Hearing Officer finds that: Sgt. Kerns did find in your box approximately four ounces of a green leafy substance and that based on his seventeen (17) years experience in Corrections and his training at the Corrections Academy believed it to be marijuana. That the box and all of its contents are your responsibility. If in fact

20. Basis for Findings of Fact: The basis for these findings are the arresting Officers statement, and the fact any items not sold on the store, issued by D.O.F. or authorized by the Warden is contraband. "CONTINUED"

21. Hearing Officer's Decision: X Guilty X Major
Not Guilty _____ Minor

22. Recommendation of Hearing Officer: Recommend you be placed in disciplinary segregation for forty five (45) days. Loss of visitation, pass, telephone and store draw for ninety (90) days. Recommend you be reviewed for more restricted custody, and

Michael R. Hicks COI
Signature/Hearing Officer
Michael R. Hicks, CO I

Type Name and Title

23. Warden's Action Date 4-24-01
Approved [Signature]
Disapproved _____
Other (Specify) No disciplinary segregation

24. Reason if more than 30 calendar days delay in action. _____

25. I hereby certify that a completed copy of the foregoing Disciplinary Report was served on the above named inmate on this 2 day of April 19 2001, at (time) 3:30 (am/pm) pm

[Signature]
Signature/Serving Officer/Title

X Refuse to Sign
Inmate's Signature/AIS Number

(Continuation Sheet) ADOC Form 225B, Alabama Department of Corrections
Disciplinary Report (Optional)

Inmate Name & AIS # Christopher Billingsley BM/160977
Facility Childersburg Community Work Center

Incident Report No. 2001-009

CONTINUED ARRESTING OFFICER'S (AO) STATEMENT AND/OR QUESTIONS BY HEARING
OFFICER (QBHO) TO ARRESTING OFFICER:
to be marijuana is based on my training at the Correctional Academy with marijuana
and my seventeen (17) years experience in Corrections in which I have encountered.

CONTINUED INMATE'S STATEMENT AND/OR QUESTIONS BY HEARING OFFICER (QBHO) TO
INMATE:

CONTINUED WITNESS TESTIMONY (QBHO):
toward Billingsley's bed they were strawberry type cakes.

CONTINUED FINDINGS OF FACT:
you lost your key, you could have gotten a lock from an Officer. And that the
green leafy substance was not sold at the store, issued to you by the D.O.C., or
authorized by the Warden.

CONTINUED BASIS FOR FINDINGS OF FACT:

CONTINUED HEARING OFFICER'S RECOMMENDATIONS:
and be referred to I&I for criminal prosecution.

OTHER: _____

01 APR -9 PM 12:26
CLERK
HAYNES